

MONTANA LEGISLATIVE HISTORY

Chapter 423 1975

Bill H 367 S _____

Original bill & history ✓c

H. Committee on Judiciary
Hearing Date(s) _____ c

2/11 ✓c

2/15 ✓c

_____ c

Date Out 2/15 ✓c

S. Committee on Judiciary
Hearing Date(s) _____ c

3/10 ✓c

3/19 ✓c

_____ c

3/20 ✓

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

1 *House* BILL NO. *367*
2 INTRODUCED BY *Jonathan Doy Linn*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE STATUTE
5 OF LIMITATIONS ON DAMAGE TO REAL PROPERTY CAUSED BY OIL OR
6 GAS OPERATIONS; AMENDING SECTION 93-2607, R.C.M. 1947."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 93-2607, R.C.M. 1947, is amended to
10 read as follows:
11 "93-2607. Two-year limitation--exceptions--damage from
12 oil and gas operations--eight years. Within two years:
13 1. An action upon a liability created by statute other
14 than a penalty or forfeiture.
15 2. An action for injury to or for waste or trespass on
16 real or personal property; provided that, when the waste or
17 trespass is committed by reason of underground work upon any
18 mining claim, the cause of action shall not be deemed to
19 have accrued until the discovery by the aggrieved party of
20 the facts constituting such waste or trespass; and further
21 provided, that an action for injury to real property caused
22 by operations under an oil or natural gas lease may be
23 brought within eight (8) years.
24 3. An action for taking, detaining, or injuring any
25 goods or chattels including actions for the specific

1 recovery of personal property.
2 4. An action for relief on the ground of fraud or
3 mistake, the cause of action in such case not to be deemed
4 to have accrued until the discovery by the aggrieved party
5 of the facts constituting the fraud or mistake.
6 5. An action for killing or injuring stock by a
7 railroad corporation or company."

-End-

INTRODUCED BILL

-2-

HB 367

STATE OF MONTANA

REQUEST NO. 185-75

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 1975, there is hereby submitted a Fiscal Note for S.B. 367 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

S.B. 367 increases the license fee for food establishments from the current \$10 to \$30, the addition to accrue to local boards of health; provides procedures for cancellation or denial of a food establishment license; adopts an emergency enforcement remedy; provides for injunction procedures; and provides an effective date of January 1, 1976.

ASSUMPTIONS:

Based on historical license data for 1968-1974, it is estimated that:

1. The number of food establishments will increase 6% per year.
2. Administration of the county grant system will require additional state personal services costs of \$1200 per year. All personal service costs will increase 10 % per year.

FISCAL IMPACT:

I. Revenue

	FY 76	FY 77
Estimated Revenue under current law	\$ 43,550	\$ 46,160
Estimated Revenue under proposed law	130,650	138,480
Estimated increase in revenue	<u>\$ 87,100</u>	<u>\$ 92,320</u>

II. Expenditures

Estimated expenditures by category under current law			
Personal Services	\$54,030		59,433
Operating Expenses	<u>9,620</u>	\$63,650	<u>\$10,582</u> \$70,015
Estimated expenditures by category under proposed law			
Personal Services	\$55,230		\$60,753
Operating Expenses	9,620		10,582
Grants	<u>87,100</u>	<u>\$151,950</u>	<u>92,320</u> \$163,655
Estimated increase in expenditures		<u>\$ 88,300</u>	<u>\$ 93,640</u>

III. Estimated Net Effect (Revenue - Expenditure) (\$1,200) (\$1,320)

CONCLUSION: Enactment of S.B. 367 would increase net expenditure by an estimated \$2,520 during the biennium.

LOCAL IMPACT: Increased license fees distributed to the counties should total \$179,420 during the biennium. The increased local revenue will help defray the costs of licensing inspections at the local level.

Michael S. Billings
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/13/75

JUDICIARY COMMITTEE

44th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 348	To make parents or legal guardian of minor found shoplifting liable for merchandise taken & providing for punitive damages, costs &, etc.	1/27/75	Babcock	2/19/75	DO NOT PASS AS AMENDED	2/19/75
HB 350	To provide a suspended sentence for certain offenders when they give information leading to conviction of drug dealers.	1/27/75	Gould	2/10/75	DO NOT PASS	2/10/75
HB 354	To amend section 93-1906 to provide a minimum salary for reporters	1/27/75	Dussault	2/11/75	DO PASS AS AMENDED	2/11/75
SB 2	To generally revise certain statutes which discriminate on basis of sex in order to remove the discrimination & creating a new section, etc.	1/27/75	Rosell	3/10/75	AS SO AMENDED BE CONCURRED IN	3/12/75
HB 364	to provide for the election of supreme court justices from districts apportioned on the basis of population; provide for election of chief justice by justices, etc.	1/28/75	Bengtson	2/17/75	AS AMENDED DO PASS	2/19/75
✓ HB 367	To extend the statute of limitations on damage to real property caused by oil or gas operations; amending section 93-2607, R.C.M.	1/28/75	Jacobsen	2/11/75	DO PASS AS AMENDED	

JUDICIARY COMMITTEE

February 11, 1975

The twenty-sixth meeting of the House Judiciary Committee was called to order in Room 436 of the Capitol Building at Helena, Montana, on Tuesday, February 11, 1975, at 9:00 A.M. Representative Huennekens, Chairman, presided. All members were present.

Bills scheduled for hearing this date were House Bills Nos. 367, 354 and 397, taken in this order.

HOUSE BILL NO. 367 Representative Glenn Jacobsen, District #1, is chief sponsor of this act to extend the statute of limitations on damage to real property caused by oil or gas operations. Representative Jacobsen is tied up in a sub-committee meeting and Representative Meloy will carry this bill.

Representative Meloy explained that there is an existing statute of limitations on the right to bring action for water or trespass on underground mining claims. This bill adds language that will extend the limitations to eight years. There is also an amendment proposed, which on page 1, line 22, would strike "operations under a " and insert: "seismic exploration, location, spacing, drilling, equipping, producing or other operation related to", also amend page 1, line 22, by striking "lease" and inserting "wells" because he feels seismic exploration can also cause damage, especially to underground water that may be hooked to a landowners well. It may not manifest itself to injury until after a two-year period.

Proponent, Representative Day stated that one of the things Representative Jacobsen is trying to get at, is in the northeastern part of the state they have had a problem with salt leaking out and it takes time for damage to show up. This is similar to saline seep.

Opponent Jack Rehberg, representing the Rocky Mountain Gas & Oil Association, stated they strongly oppose this bill; they feel it is counterproductive. He feels underground trespassing can be handled two years from time it is discovered. Why single out one industry such as this bill does. He also questions if it would stand up constitutionally. He feels this bill will create more problems for the landowner than it will solve.

There were no further proponents or opponents. Representative Meloy, in closing, stated that the existing section of law would not cover oil or natural gas increases. He feels it is perfectly legal to single out an industry if there is a reasonable classification.

Representative Lester questioned if it would be unconstitutional to single out one industry to which Mr. Reberg stated it is discriminatory. Following a brief discussion the hearing was closed.

HOUSE BILL NO. 354. Representative Ann Mary Dussault, District #95, chief sponsor, provided each committee member with an amendment to the bill to correct an error which was an oversight on her part. She stated this bill would allow judges to increase salaries of court reporters, that it won't necessarily raise their salaries. She explained that court reporters are trained to record word for word, upwards of 225 words per minute. At the present time court reporters all receive the same salary, regardless of experience. She stated that in Pueblo, Colorado, a court reporter can start at \$13,896, in Youngstown, Ohio, they start at \$13,500, in San Rafael, California, they start at \$14,340.

Proponent Jack Fletcher, a court reporter from Great Falls, read testimony prepared by Philip R. Fordahl, who had planned on testifying, but was unable to at the last minute (see exhibit). Proponent Carroll B. Copeland, a court reporter from Missoula provided the committee with prepared testimony, and stated they hoped to upgrade court reporters in the State of Montana. Proponent Bob Meer Katz, a court reporter from Kalispell, stated that one of the problems for them in Montana is that a court reporter with no experience is making the same as one who has worked for years. With this bill he feels that a judge could see that they do their job better.

Proponent Representative James Moore stated that the court reporter is the person you never see who keeps the court system going. They work long hours, set calendar dates, keep the cases moving. No one is in a better position to know how hard a court reporter works than the judge.

There were no further proponents or opponents. Upon questioning, Representative Scully learned that Montana has no standard at all. The judge has the say so and this is what controls upgrading of court reporters. Representative Scully questioned whether this was their only source of income to which Mr. Copeland replied that they also do transcripts and depositions, and this is affected by their district, and how much of this work there is.

Representative Halvorson stated that she tried court reporting and it is hard work she feels they shouldn't have to moonlight to get a decent living. Upon questioning, Representative Rasmussen was told they have at least a two-year training school and must pass a CSR examination. Representative Yardley feels that allowing the district judge to set fees gives them too much power. Representative Meloy stated he was intrigued that this might save some bills in the future, and suggested striking out the reference to \$12,500, and then they never would have this bill again.

Mr. _____

We, your committee on _____
having had under consideration House Bill No. 367
respectfully report as follows: That House Bill No. 367
introduced bill, be amended as follows:

1. Amend page 1, section 1, line 22.
Strike: "operations under an"
Insert: "seismic exploration, location, spacing,
drilling, equipping, producing, or other
operation related to"
2. Amend page 1, section 1, line 22.
Strike: "lease"
Insert: "wells"

JUDICIARY COMMITTEE

February 15, 1975

EXECUTIVE SESSION

The thirty second meeting of the House Judiciary Committee was called to order in Room 436 of the Capitol Building at Helena, Montana on Saturday, February 15, 1975 on adjournment of the House which was approximately 4:00 PM. Representative Herb Huennekens, Chairman, presided. All members were present except Representatives Moore, Kimble, Seifert and Yardley, absent, excused.

HOUSE BILL NO. 402 Chairman Huennekens explained that this morning the committee had voted to strike section two of this bill.

Representative Rasmussen moved DO NOT PASS. Motion carried with Representatives Baeth, Lester, Vincent and Meloy voting no.

HOUSE BILL NO. 397 Representative Meloy moved DO PASS. Representative Anderson stated he feels this problem isn't legitimate and Representative Hager stated he can't see the problem either. Representative Meloy stated this just makes it more convenient for soemone to vote.

Motion DO PASS carried with Representative Halvorson abstaining. Representatives Rasmussen, Hager, Anderson and someone else voted no.

HOUSE BILL NO. 375 Representative Meloy moved DO PASS. In answer to question he read section 25-304 which pertains to miscellaneous fees. By removing this section they are eliminating some fee requirements that were going directly to the justices of the peace.

Motion DO PASS carried unanimously.

HOUSE BILL NO. 396 Representative Baeth moved DO PASS. Representative Meloy stated this bill was amended in the Constitution and federal elections committee and on the floor in the last session.

Motion DO PASS carried unanimously.

HOUSE BILL NO. 367 Representative Day stated he was never able to get the information he wanted regarding the extent of salt contamination in the northeast part of the state. He thinks it is quite extensive.

Representative Meloy moved to amend page 1, line 22 by striking "operations under an" and inserting "seismic exploration, location, spacing, drilling, equipping, producing, or other operation related to". Discussion followed regarding this amendment, including whether to use the term leases or wells.

Motion to amend carried with Representatives Hager, Huennekens and Lory voting no.

Representative Day moved DO PASS AS AMENDED.
Motion carried with Representative Hager voting no.

HOUSE BILL NO. 372 Representative Meloy moved to adopt the amendments proposed by Representative Yardley. There was no discussion. Motion carried unanimously to adopt amendments.

Representative Hager moved DO PASS AS AMENDED.
Motion carried unanimously.

HOUSE BILL NO. 376 Representative Lory moved DO NOT PASS. Representative Lory stated the bill goes to great length to enumerate rights that are already there. Representative Meloy stated that this method to take care of the problem won't really work. Representative Day stated he feels this bill gives a juvenile the right to tell his parents to go to hell. Representative Halvorson stated we should have a bill to spell out the rights of parents.

Representative Meloy stated an even more serious problem in section 7 would be giving him essentially the same rights as an adult with regard to due process and the whole argument on giving rights to a juvenile because there are some responsibilities that go along with this.

Motion DO NOT PASS carried with Representative Huennekens voting no.

HOUSE BILL NO. 412 Representative Halvorson moved DO PASS. Representative Meloy stated that the open meetings laws are being abused.

Representative Hager questioned why the stricken lines on page 2 and Representative Meloy answered that the constitution states when you can close a meeting, the existing open meeting law states you can do those things but the constitution changed the two stricken out. We have a very special provision in our constitution that isn't in any other constitution as far as he knows.

The motion DO PASS carried with Representatives Hager and Anderson voting no.

Motion to adjourn carried.



REPRESENTATIVE HERB HUENNEKENS
CHAIRMAN

STANDING COMMITTEE REPORT

February 15 1973

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 367

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE STATUTE OF LIMITATIONS ON DAMAGE TO REAL PROPERTY CAUSED BY OIL OR GAS OPERATIONS; AMENDING SECTION 93-2607, R.C.M. 1947."

Respectfully report as follows: That HOUSE Bill No. 367

Be amended in the introduced bill as follows:

1. Amend page 1, section 1, line 22.
Strike: "operations under an"
Insert: "seismic exploration, location, spacing, drilling, equipping, producing, or other operation related to"

AS SO AMENDED
ADOPTED

MM:pb

STATE PUBL. CO.
Helena, Mont.

KEVIN S. BOWEN, Chairman

COMMITTEE ON JUDICIARY

<u>HOUSE</u> <u>BILL NO.</u>	<u>ENTERED</u> <u>COMM.</u>	<u>DATE</u> <u>CONSIDERED</u>	<u>OUT OF</u> <u>COMM.</u>	<u>DO PASS</u> <u>DATE</u>	<u>DO NOT</u> <u>PASS</u> <u>DATE</u>	<u>DO PASS</u> <u>AS AMEND.</u> <u>DATE</u>	<u>BE CON-</u> <u>CURRED IN</u> <u>DATE</u>	<u>BE CONC. IN</u> <u>AS AMENDED</u> <u>DATE</u>	<u>BE NOT CON-</u> <u>CURRED IN</u> <u>DATE</u>
367	2/22/75	3/10/75	3/20/75					3/19/75	
372	2/25/75	3/11/75	3/19/75				3/18/75		
375	2/20/75	3/8/75	3/10/75				3/8/75		
383	2/15/75	3/8/75	3/10/75				3/8/75		
393	2/19/75	3/8/75	3/14/75				3/13/75		
395	3/4/75	3/15/75	3/19/75					3/18/75	
396	2/20/75	3/8/75	3/11/75					3/8/75	
397	2/20/75	3/8/75	3/11/75				3/8/75		
412	2/21/75	3/18/75	3/19/75					3/18/75	
419	2/19/75	3/10/75	3/11/75					3/10/75	
420	2/19/75	3/10/75	3/19/75					3/18/75	
455	2/28/75	3/12/75	3/13/75					3/12/75	
463	2/22/75	3/10/75	3/13/75					3/12/75	
468	2/19/75	3/10/75	3/13/75						3/12/75
471	2/20/75	3/13/75	3/14/75					3/13/75	
474	2/19/75	3/4/75	3/5/75					3/5/75	
496	2/27/75	3/14/75	3/20/75					3/19/75	

MINUTES OF THE MEETING
SENATE JUDICIARY COMMITTEE
March 10, 1975

The meeting was called to order by Senator Towe, Chairman, in Room 415 of the Capitol Building at 9:30 A.M. Senator Cetrone was absent.

The following bills were heard:

HB 419	HB 367
HB 420	HB 463
HB 468	

HB 419 -- The first bill to be heard was HB 419, sponsored by Representative Paul Richards, District 32. He stated that the purpose of the bill was to require the Attorney General to supply a brief explanation of a vote for or against a proposition on the ballot in state elections.

PROPOSERS

Ms. JoAnn Woodgerd of the Secretary of State's Office stated that her office supported the bill with the House amendment on lines 21 and 22 of the bill.

Mr. Stan Gerke, representing the American Federation of State, County and Municipal Employees, AFL-CIO, stated that his organization supported the concept of a brief explanation of a vote on the ballot.

Ms. L. R. Sargent of the Environmental Information Center, stated that such an explanation was needed.

There were no further proponents and no opponents to the bill.

HB 420 -- The next bill to be heard was HB 420, also sponsored by Representative Richards. He stated that the purpose of the bill was to allow a voter information packet to explain the arguments for and against initiative and referendum measures. He stated that several western states now have such a law. He added that the bill is patterned after a similar law in California. The bill provides for a limit of 500 words for each argument and also provides for who shall draft each argument, he stated.

Ms. JoAnn Woodgerd of the Secretary of State's Office spoke in support of the bill, adding that the present system for explaining referendum measures to voters, which is generally a restatement of the legal language of the measures themselves, is a waste of taxpayers' money. She stated that she felt the bill would work and would not be a burden on the State.

There were no further proponents and no opponents to the bill.

HB 468 -- HB 468, sponsored by Representative Robert Kelly, District 86, was heard next. Representative Kelly stated that the bill is intended to provide a penalty of imprisonment for reckless driving which results from an attempt to elude a police officer.

Captain Tooley of the Montana Highway Patrol spoke in support of the bill, adding that the bill was introduced at the request of the Highway Department. He brought, to the committee's attention, the fact the penalty for a second offense was stronger than for the first offense.

There were no further opponents and no opponents to the bill.

HB 463 -- HB 463, sponsored by Representative Jacobsen of District 1, was heard next. Representative Jacobsen stated that the bill provided that interpreters for deaf persons would be present in legal proceedings to which a deaf person was a party.

Mr. Floyd McDowell, superintendent of the State school for the Deaf and Blind, spoke in favor of the bill, stating that it was model legislation from the National Association for the Deaf, that it has been passed in 18 states already. He added that under current law the deaf must provide their own interpreters or else try to follow all that is said by lip reading, which is almost impossible in a courtroom.

HB 367 -- HB 367, of which Representative Jacobsen was also the sponsor, was heard next. He stated that the purpose of the bill was to extend the statute of limitations to eight years on damage to real property caused by oil or gas operations. As an example, he stated that underground blasting for seismic exploration can cause damage to property that may not appear until 3-4 years after the exploration.

There were no further proponents to the bill.

OPPONENTS

Mr. John Risken, representing the Sun Oil Company, stated that the extension of the statute of limitations is for too long a period of time. He added that the bill changes the wrong statutes.

Mr. Jack Rehberg of the Montana Petroleum Association, spoke against the bill saying that it discriminated against gas and oil companies. He agreed with Mr. Risken that the extension of the statute of limitations was too long, adding that it would become difficult to prepare defenses in court suits.

Representative Jacobsen in closing stated that two years is not sufficient time for underground damage to appear, and that the change of law was needed to protect personal property rights and water rights.



SUN OIL COMPANY

March 6, 1975

Senate
Legislature of the State of Montana
Capitol Building
Helena, Montana 59601

Attention: Thomas Towe, Chairman
Senate Judiciary Committee

Re: H. B. 367
Extension of Statute of Limitations
on Damage to Real Property Caused
by Oil or Gas Operations

Gentlemen:

With regard to H. B. 367 which has passed the House of Representatives and has been sent to the Senate Judiciary Committee for review, Sun Oil Company (Delaware) wishes to be placed of record as being opposed to House Bill 367 whereby damages from oil and gas operations would be subject to an eight-year statute of limitations.

We feel this bill is discriminatory in nature in that it singles out only one phase of industry for such liability. Damages to real property are normally easily ascertainable, and most oil companies move rapidly to settle such damage claims resulting from their operations. There appears to be no justification for an owner of real property to have a longer time to file suit for damages resulting from oil and gas operations than he has to file suit for other injuries to real property.

The primary reason for statutes of limitation is to prevent staleness in claims. Such an extended time limit as eight years will result in prolonged discovery procedures due to: (1) Searching for information from old files which may be stored, relocated, or even lost, (2) Attempts to locate witnesses, and (3) Dim recollection of the facts by those witnesses who are found. This extended period of time could additionally be detrimental to the owner of real property as evidence of the damage is covered up or remedied by natural processes over the years.

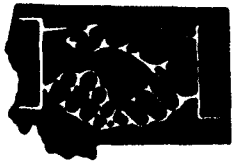
In summation, we feel it would be inequitable to amend Section 93-2607, R.C.M. 1947, as proposed by House Bill 367, and we hope the Judiciary Committee will adequately consider the legal complications which could arise from such amendment.

Yours very truly,

PATRICIA A. MOORE
Manager, Conservation

PAM:lm

cc: Senate Judiciary Committee Members



Steinbrenner Agency, Inc.

929 South West Higgins

Missoula, Montana 59801

Phone (406) 728-9410

OFFICERS:

GEORGE F. STEINBRENNER, PRES.
JOHN A. MARCH, EXECUTIVE VICE PRES.
EILEEN B. STEINBRENNER, SEC.
GAYE G. SCHEELER, TREAS.

February 5, 1975

Dear Sirs:

I am a Real Estate Broker, Realtor and income property owner. As such, I am quite interested in the landlord-tenant bill. I have reviewed the bill with other Missoula Realtors at our Legislative Committee Meeting. I don't agree with all sections of the bill, but do feel there is a definite need for a reform of the laws concerning landlord-tenant relations.

I would like to see three minor revisions in the bill:

1. Change the eviction time for non-payment of rent to 7 days. This would prevent people from living out their security deposit, and would also prevent a landlord from having to take an excessive deposit.

2. Enable the winner in any law suit to collect reasonable attorney fees. This will prevent the present practice of some tenants using free legal service and forcing the landlord to pay attorney fees even if he is right. An example of this is the Michigan study in which there were 20,517 cases. The landlord won in 98% of these cases, but he probably actually lost after paying attorney fees.

3. Provide for some orderly fashion of disposing of personal property abandoned on the premises.

If these three matters could be incorporated in the bill I would personally back it and do my best in trying to get the State Board of Realtors to back it.

Sincerely,

Collin K. Bangs
Collin K. Bangs

CKB:ls

HB 455 -- Senator Greely moved to amend HB 455 on line 14 (attached). THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

A vote was taken on the original motion of Senator Turnage. WITH SENATORS ROBERTS AND DRAKE VOTING NO, THE MOTION CARRIED ON A ROLL CALL VOTE.

HB 531 -- Senator Turnage moved to amend HB 531 on page 1, line 12 (attached). THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Turnage moved that HB 531 be concurred in as amended. WITH SENATOR BROWN AND SENATOR DRAKE VOTING NO, THE MOTION CARRIED ON A ROLL CALL VOTE.

HB 262 -- A subcommittee was appointed to consider HB 262. Senator Greely was appointed chairman, and Senator Turnage and Senator Warden were the other members.

HJR 42 -- Senator Turnage moved that HJR 42 be concurred in. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 354 -- The committee researcher was assigned to poll district judges as to their feelings on who should set the salaries of court reporters: 1) county commissioners, 2) the district judges themselves, or 3) the legislature.

HB 468 -- Senator Turnage moved that HB 468 be not concurred in. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 367 -- The Committee researcher was assigned to work out amendments to HB 367.

HB 463 -- Senator Drake moved to amend HB 463 on lines 13 and 14 (attached). THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Warden moved that HB 463 be concurred in as amended. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 311 -- Senator Roberts moved that HB 311 be concurred in. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

There being no further business, the committee adjourned until 9:30 A.M., March 13.



Thomas E. Towe, Chairman

**MINUTES OF THE MEETING
SENATE JUDICIARY COMMITTEE
March 19, 1975**

The meeting was called to order in Executive Session by Senator Towe, Chairman, at 5:28 P.M. in Room 442 of the Capitol Building. The committee members were all present.

The following bills were discussed:

HB 257	HB 100
HB 140	HB 10
HB 251	HB 275
HB 367	HB 602
HB 216	HB 670
HB 496	HB 82
HB 594	

EXECUTIVE SESSION

HB 257 -- Senator Drake moved that HB 257 be not concurred in. THE MOTION CARRIED ON A ROLL CALL VOTE WITH SENATOR CETRONE VOTING NO.

HB 140 -- Senator Greeley moved to amend page 3, line 7, by striking "fifteen cents (15¢) per mile" and inserting "a mileage allowance as defined in section 59-801". THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Turnage moved HB 140 be concurred in as amended. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 251 -- Senator Turnage moved HB 251 be not concurred in. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 367 -- Senator Drake moved to amend page 1, lines 17, 18, 19 and 21 through line 1 on page 2. (See attached Committee Report). THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Drake moved HB 367 be concurred in as amended. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 216 -- Senator Turnage moved HB 216 be concurred in. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

HB 496 -- Senator Drake moved HB 496 be not concurred in. THE MOTION FAILED WITH SENATORS DRAKE AND TURNAGE VOTING YES.

Senator Greeley moved to reinsert the stricken material in the title and on page 2. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Senator Greeley moved HB 496 be concurred in as amended. THE MOTION CARRIED ON A ROLL CALL VOTE WITH SENATORS DRAKE AND TURNAGE VOTING NO.

STANDING COMMITTEE REPORT

March 20

19 73

MR. **PRESIDENT**

We, your committee on **JUDICIARY**

having had under consideration **HOUSE**

Bill No. **367**

Respectfully report as follows: That **HOUSE** Bill No. **367**,
third reading, be amended as follows:

1. Amend page 1, section 1, line 17.
Following: "waste"
Strike: "or"
Insert: ", "
2. Amend page 1, section 1, line 18.
Following: "trespass"
Insert: "or injury"
3. Amend page 1, section 1, line 19.
Following: "chain"
Insert: "or seismic exploration, location, spacing, drilling, equipping, producing, or other operation related to exploration or production of oil, gas, water, geothermal, or other minerals"
4. Amend page 1, section 1, lines 21 through line 1 on page 2.
Following: "trespass"
~~XXXXXX~~ Strike: lines 21 through line 1 on page 2 in their entirety
Insert: "."

AND AS SO AMENDED, BE CONCURRED IN

Chairman.

HOUSE BILL NO. 367

INTRODUCED BY JACOBSEN, DAY, LIEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE STATUTE OF LIMITATIONS ON DAMAGE TO REAL PROPERTY CAUSED BY OIL OR GAS OPERATIONS; AMENDING SECTION 93-2607, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 93-2607, R.C.M. 1947, is amended to read as follows:

"93-2607. Two-year limitation. ~~---exceptions---~~~~damage from oil-and-gas-operations---~~~~eight-years~~ Within two years:

1. An action upon a liability created by statute other than a penalty or forfeiture.

2. An action for injury to or for waste or trespass on real or personal property; provided that, when the waste or trespass OR INJURY is committed by reason of underground work upon any mining claim, OR SEISMIC EXPLORATION, LOCATION, SPACING, DRILLING, EQUIPPING, PRODUCING, OR OTHER OPERATION RELATED TO EXPLORATION OR PRODUCTION OF OIL, GAS, WATER, GEOTHERMAL, OR OTHER MINERALS the cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting such waste or trespass, ~~and further provided, that an action for injury to real property caused by operations under an SEISMIC~~

~~EXPLORATION, ---LOCATION, ---SPACING, ---DRILLING, ---EQUIPPING, PRODUCING, OR OTHER OPERATION RELATED TO oil-or-natural-gas lease may be brought within eight (8) years,~~

3. An action for taking, detaining, or injuring any goods or chattels including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

5. An action for killing or injuring stock by a railroad corporation or company."

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